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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/647,109

12/27/2000

Ralph Gronau

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07/02/2002

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EXAMINER

CHERRY, STEPHEN J

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MB

Office Action Summary	Application No.	Applicant(s)	
	09/647,109	GRONAU ET AL.	
	Examiner	Art Unit	
	Stephen J. Cherry	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to because

Each of the objects depicted as "boxes" in the drawings should contain an English language description.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the substitute specification are:

On page 3, line 3, the purpose of the phrase "at best" is unclear.

On page 3, line 10, it appears that the comma after the word frequently is not needed.

On page 3, line 14, in the phrase "so that a corresponding set of factors of corrections is to be determined". It appears that the word is should be replaced with "may".

On page 3, line 23, it is unclear what the phrase "or deemed non-actuated" is referring to.

The entire substitute specification, including the claims should be reviewed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 36-66 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant refers to a "deep pass filter". This type of filter is not known in the art, and the specification lacks description as to what it is and how it may be constructed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 36-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Indefinite language in the claims includes:

In claim 36, the phrase, "and determining correction values for the individual wheels of the vehicle are determined in accordance with the results of the evaluation step", it is not clear how the phrase "are determined" is modifying the phrase. This phrase appears to lack proper grammatical structure, rendering it indefinite.

In claim 40, it is not clear what is the phrase "deemed non-driven" is referring to. Specifically, it is not known what entity deeming the axle non-driven and for what reason this assessment is made.

Claim 43 is contradicted by dependent claim 44 with regard to selection of correction values.

Claim 45 refers to final values, where the specification describes a system that repeats calculation of values.

In claim 55, "the wheels" lacks antecedent basis.

In claim 59, "the disengaged state" lacks antecedent basis.

In claims 48-54, and 62-66, the meaning of the phrase "deep pass filter" is unclear. Common in the art are low pass filters, high pass filters, band pass filters, and notch filters. The term deep pass filter is not recognized in the art, thus rendering the claims indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

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being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 36-66 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent 5,682,333 to Baumann. The claims describe, as anticipated by Baumann,

34 { determining the speeds of the vehicle wheels during travel ('333, col. 4, line 5),
evaluating the speeds of the wheels in groups, for the wheels of the non-driven axle,
and for the wheels of the left-hand vehicle side and the right-hand vehicle side ('333,
col. 5, line 36), and determining correction values for the individual wheels of the vehicle
are determined in accordance with the results of the evaluation step ('333, col. 6, line 8),

37 { the evaluation in groups is effected for wheel speeds in relation to the wheel speed
values determined during a state of travel in which conditions exist that are favorable for
the evaluation of the wheel speed values of the group under consideration ('333, col. 5,
line 24), the determined speeds of the vehicle are determined during a straight travel of

38 the vehicle ('333, col. 3, line 60), the speeds of the vehicle wheels are determined

39 during the disengaged state ('333, col. 5, line 28), the wheel speeds used for the
evaluation grouped by vehicle sides are determined at different times than the wheel

41 speeds used for the evaluation grouped by vehicle axles ('333, 8 and 10),

A method according to claim 36, wherein the evaluation in groups of wheel
speeds covers the ratio formation or difference formation or the pair-wise normalization

42 of the speeds of the wheels of this group (333, col. 5, line 42), a correction value is

43 selected for one wheel, preferably the slowest wheel, and in relation thereto and in

44 44 24-44

accordance with the results of evaluation, correction values are determined for the rest of the vehicle wheels, ('333, col. 4, line 30), the determination of the wheel speed of the vehicle wheel includes sensing the rotating speed of the wheel by means of a wheel sensor ('333, col. 4, line 6) and, subsequent filtering of the sensed values ('333, col. 4, line 46), wheel sensors for determining the speeds of the wheels of the vehicle during travel ('333, col. 4, line 5), determining means for evaluating the speeds of the vehicle wheels in groups for at least one vehicle axle and at least one vehicle side, and means for determining the values of correction for the individual wheels of the vehicle in accordance with the results of evaluation ('333, col. 5, line 36 and col. 6, line 8), the determining means further includes a means for evaluating, in groups, the speeds of the wheel of the non-driven axle, and respectively one device for evaluating, in groups, the speeds of the wheels on the left-hand vehicle side and the right-hand vehicle side ('333, col. 5, line 36 and col. 6, line 8), state detection means for determining a driving state in which conditions for the wheel speed values of the group under consideration prevail that are favorable for evaluating wheel speeds, in groups, ('333, col. 5, line 24), the state detection means further includes detecting means for detecting straight travel of the vehicle ('333, col. 3, line 60), state detecting means further includes detecting means for detecting the disengaged state in the vehicle ('333, col. 5, line 28), said device for evaluating, in groups, wheel speeds includes a means for forming the ratio or the difference or for the normalization, in pairs, of the speeds of the wheels of the said group ('333, col. 5, line 42), the detecting means for detecting the straight travel of the

vehicle further includes at least one deep pass filter for evaluating the value of the difference between the wheel speeds of one axle ('333, col. 7, line 8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (703) 305-0425. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John S. Hilten can be reached on (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0719.

SJC
June 30, 2002


JOHN S. HILTEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800